

COMMITTEE AMENDMENT FORM

DATE: 3/12/08

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #07-O-2529 SECTION (S)

RESOLUTION I. D. #08-R- PARA.

AMENDS THE LEGISLATION BY ADDING SEVEN (7) CONDITIONS ONE OF WHICH IS A SITE PLAN RECEIVED BY THE BUREAU OF PLANNING 1/22/08

AMENDMENT DONE BY COUNCIL STAFF 3/12/08

City Council
Atlanta, Georgia

07-O-2529

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-07-115
Date Filed: 11-13-07

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **345 and 355 Moreland Avenue, S.E. and 1140 and 1144 Faith Avenue, S.E., and 345 Howell Drive, S.E.** be changed from the R-4 (Single family Residential), RG-3 (Residential General-Sector 3) and C-2 (Commercial Services) Districts to the MR-5A-C (Multifamily Residential-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 12, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

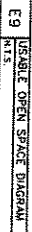
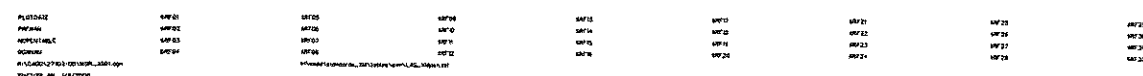
SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CONDITIONS FOR
Z-07-115 for 355, 365, 381 Moreland Avenue, 1140 Faith Avenue and 345 Howell Drive, S.E.

1. Site plan similar to plans recently revised on 1-9-08 and stamped received by the Bureau of Planning on 1/22/08. The site plan is not intended to prohibit the application of the district regulations.
2. Any application for a Special Administrative Permit, or other any other administrative variation to zoning regulations, associated with 345 & 355 Moreland Ave. & 1144 Faith Ave. which is submitted to the Bureau of Planning of the Department of Planning and Community Development (BOP) or its successor entity, shall be contemporaneously submitted to the current Zoning Contact Person for Neighborhood Planning Unit W by the Applicant.
3. The use of building façade and material treatments shall include the following, at a minimum:
 - a. Building façades facing Moreland Avenue, Faith Avenue, and the residential property to the immediate southwest shall be composed of a minimum of 60% masonry.
 - b. The following materials shall be prohibited on all building façades: exposed pressure-treated wood, vinyl siding, vinyl railing, and solid vinyl windows.
 - c. Foundations shall be faced in brick, terracotta, stone, masonry, or cast-in-place concrete. Foundations are defined as the surface area of the building below the lowest finished floor level.
 - d. Window frames shall be recessed a minimum of two inches from the major plane of the exterior façade, exclusive of trim.
 - e. Exterior columns shall have a minimum width of five and one-half inches.
 - f. No exterior stairs shall be made of wood.
 - g. There shall be no HVAC equipment located at grade level of street-facing building façades.
4. No parking deck height shall extend beyond the height of immediately adjacent buildings within the project.
5. The "Cowboy Chicken" shall be preserved and re-used on site subject to any requirements or limitations of the City of Atlanta Sign Ordinance or other City requirements, and subject to availability at the time of property purchase (i.e., if said Chicken has "flown the coop" at the time of assumption of ownership).
6. The developer shall provide the NPU W, a copy of any request for an administrative site plan change at the same time the request is submitted to the City of Atlanta. Evidence of the provision of this request to the NPU shall be submitted to the Bureau of Planning as a part of the request for the change.
7. Units located at street level shall have a minimum ceiling height of 15 feet measured floor to floor.



2025 RELEASE UNDER E.O. 14176
 NATIONAL ARCHIVES
 COLLEGE PARK, MARYLAND 20740-6001
 TEL: 301-837-1195
 FAX: 301-837-1196
 WWW.NATIONALARCHIVES.GOV

THE UNIVERSITY OF CHICAGO

RESEARCH

Signature of the Applicant _____

Abstract



1001

AR

LC

1996

NOT FOR CONSTRUCTION

LEGAL DESCRIPTION
Overall (Tracts 1, 2, 3 & 4)

RECEIVED
JAN 30 2008
Bureau of
Planning

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14TH District of Fulton County, Georgia and being more particularly described as follows:

Z-07-115

BEGINNING at a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found; thence South 00 degrees 14 minutes 33 seconds West a distance of 197.89 feet to an Iron Pin Set at the intersection of said right-of-way line and the northerly right-of-way line of Faith Avenue (40' R/W); thence along said right-of-way line of Faith Avenue North 88 degrees 07 minutes 18 seconds West a distance of 249.37 feet to an Iron Pin Found; thence North 88 degrees 39 minutes 53 seconds West a distance of 50.02 feet to an Iron Pin Found at the intersection of said right-of-way line and the easterly right-of-way line of Florida Avenue (50' R/W); thence along said right-of-way line of Florida Avenue North 00 degrees 38 minutes 50 seconds East a distance of 150.16 feet to an Iron Pin Found; thence leaving said right-of-way line South 88 degrees 33 minutes 44 seconds East a distance of 47.70 feet to an Iron Pin Found; thence South 88 degrees 31 minutes 26 seconds East a distance of 34.93 feet to a point; thence North 01 degrees 30 minutes 21 seconds East a distance of 78.12 feet to a point; thence North 51 degrees 47 minutes 41 seconds West a distance of 5.29 feet to a point; thence North 89 degrees 25 minutes 06 seconds East a distance of 4.00 feet to a point; thence North 03 degrees 15 minutes 36 seconds East a distance of 30.00 feet to a point; thence 43.86 feet along an arc of a curve to the right, said curve having a radius of 42.60 feet and a chord bearing and distance of North 31 degrees 31 minutes 51 seconds East 41.95 feet to a point; thence North 59 degrees 39 minutes 27 seconds East a distance of 54.88 feet to a point; thence North 31 degrees 37 minutes 16 seconds West a distance of 130.09 feet to an Iron Pin Found; thence South 88 degrees 59 minutes 22 seconds West a distance of 95.09 feet to a point; thence South 82 degrees 11 minutes 31 seconds West a distance of 97.07 feet to a point on the southerly right-of-way line of Interstate 20; thence along said right-of-way line 222.21 feet along an arc of a curve to the right, said curve having a radius of 618.41 feet and a chord bearing and distance of North 83 degrees 13 minutes 27 seconds East 221.02 feet to a point; thence South 86 degrees 52 minutes 26 seconds East a distance of 13.94 feet to a point; thence North 61 degrees 13 minutes 41 seconds East a distance of 20.00 feet to a point; thence North 28 degrees 46 minutes 15 seconds West a distance of 2.16 feet to a point; thence South 87 degrees 27 minutes 54 seconds East a distance of 64.54 feet to a Concrete Monument Found; thence South 51 degrees 09 minutes 33 seconds East a distance of 75.96 feet to a Concrete Monument Found and the TRUE POINT OF BEGINNING.

Said tract containing 2.291 acres (99,813 square feet).

City Council
Atlanta, Georgia

07-0-2529

AN ORDINANCE
BY: ZONING COMMITTEE

Z-07-115
Date Filed: 11-13-07

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **345 and 355 Moreland Avenue, S.E. and 1144 Faith Avenue, S.E.**, be changed from the R-4 (Single family Residential), RG-3 (Residential General-Sector 3) and C-2 (Commercial Services) Districts to the MR-5A (Multifamily Residential) District, to wit:

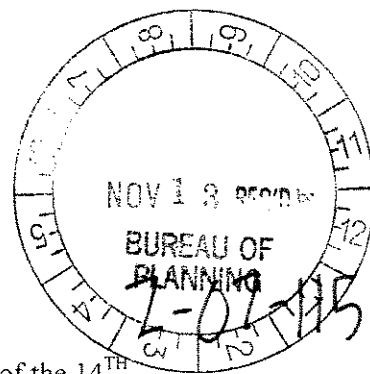
ALL THAT TRACT or parcel of land lying in Land Lot 12, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION
TRACT I



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14TH District of Fulton County, Georgia and being more particularly described as follows:

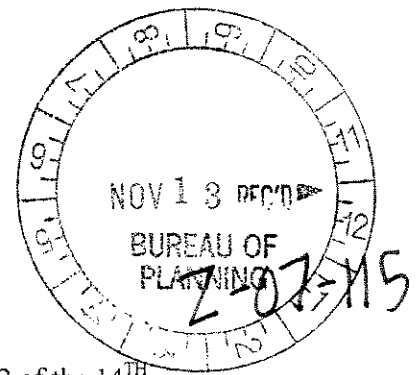
BEGINNING at a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found; thence leaving said right-of-way line North 87 degrees 48 minutes 13 seconds West a distance of 135.05 feet to a point; thence North 87 degrees 48 minutes 13 seconds West a distance of 5.82 feet to a point; thence North 00 degrees 11 minutes 36 seconds East a distance of 124.83 feet to an Iron Pin Found; thence North 31 degrees 37 minutes 16 seconds West a distance of 4.84 feet to a point; thence North 31 degrees 37 minutes 16 seconds West a distance of 130.09 feet to an Iron Pin Found; thence South 88 degrees 59 minutes 22 seconds West a distance of 95.09 feet to a point; thence South 82 degrees 11 minutes 31 seconds West a distance of 97.07 feet to a point; thence 222.21 feet along an arc of a curve to the right, said curve having a radius of 618.41 feet and a chord bearing and distance of North 83 degrees 13 minutes 27 seconds East 221.02 feet to a point; thence South 86 degrees 52 minutes 26 seconds East a distance of 13.94 feet to a point; thence North 61 degrees 13 minutes 41 seconds East a distance of 20.00 feet to a point; thence North 28 degrees 46 minutes 15 seconds West a distance of 2.16 feet to a point on the southerly right-of-way line of Interstate 20; thence along said right-of-way line South 87 degrees 27 minutes 54 seconds East a distance of 64.54 feet to a Concrete Monument Found; thence South 51 degrees 09 minutes 33 seconds East a distance of 75.96 feet to a Concrete Monument Found and the TRUE POINT OF BEGINNING.

Said tract containing 0.845 acres (36,829 square feet).

[Note: Tract I is known as 355 Moreland Avenue in the City of Atlanta Street numbering system and is currently zoned C-2 and RG-3.]

105

LEGAL DESCRIPTION
PORTION OF TRACT II
ZONED RG-3



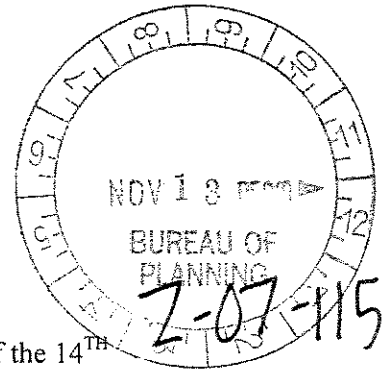
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14TH District of Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found; thence leaving said right-of-way line North 87 degrees 48 minutes 13 seconds West a distance of 135.05 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence South 26 degrees 15 minutes 54 seconds East a distance of 53.94 feet to a PK Nail Found; thence North 51 degrees 47 minutes 42 seconds West a distance of 130.64 feet to a point; thence North 51 degrees 47 minutes 41 seconds West a distance of 5.29 feet to a point; thence North 89 degrees 25 minutes 06 seconds East a distance of 4.00 feet to a point; thence North 03 degrees 15 minutes 36 seconds East a distance of 30.00 feet to a point; thence 43.86 feet along an arc of a curve to the right, said curve having a radius of 42.60 feet and a chord bearing and distance of North 31 degrees 31 minutes 51 seconds East 41.95 feet to a point; thence North 59 degrees 39 minutes 27 seconds East a distance of 54.88 feet to a point; thence South 31 degrees 37 minutes 16 seconds East a distance of 4.84 feet to an Iron Pin Found; thence South 00 degrees 11 minutes 36 seconds West a distance of 124.83 feet to a point; thence South 87 degrees 48 minutes 13 seconds East a distance of 5.82 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.185 acres (8,077 square feet).

[Note: This portion of Tract II is known as 345 Moreland Avenue (and was formerly known as 345 Howell Drive) in the City of Atlanta Street numbering system and is currently zoned RG-3.]

LEGAL DESCRIPTION
PORTION OF TRACT II
ZONED R-4



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14TH District of Fulton County, Georgia and being more particularly described as follows:

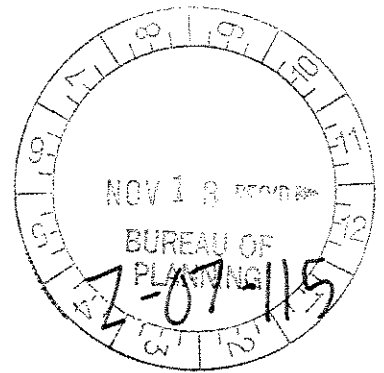
To find the TRUE POINT OF BEGINNING, commence from a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found; thence continuing along said right-of-way line South 00 degrees 14 minutes 33 seconds West a distance of 197.89 feet to an iron pin set at the intersection of said right-of-way line of Moreland Avenue with the northerly right-of-way line of Faith Avenue (40' R/W); thence along said right-of-way line of Faith Avenue North 88 degrees 07 minutes 18 seconds West a distance of 199.34 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established, North 88 degrees 07 minutes 18 seconds West a distance of 50.03 feet to an iron pin found; thence leaving said right-of-way line North 00 degrees 14 minutes 17 seconds West a distance of 150.13 feet to an Iron Pin Found; thence South 88 degrees 31 minutes 26 seconds East a distance of 34.93 feet to a point; thence South 88 degrees 31 minutes 26 seconds East a distance of 15.10 feet to a point; thence South 00 degrees 14 minutes 17 seconds East a distance of 150.48 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.173 acres (7,515 square feet).

[Note: This portion of Tract II is known as 1144 Faith Avenue in the City of Atlanta Street numbering system and is currently zoned R-4.]

LEGAL DESCRIPTION
PORTION OF TRACT II
ZONED NC-2

(For information only - not subject to rezoning)



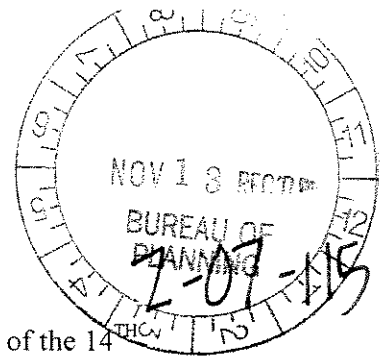
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14TH District of Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence continuing along said right-of-way line South 00 degrees 14 minutes 33 seconds West a distance of 197.89 feet to an iron pin set at the intersection of said right-of-way line of Moreland Avenue with the northerly right-of-way line of Faith Avenue (40' R/W); thence along said right-of-way line of Faith Avenue North 88 degrees 07 minutes 18 seconds West a distance of 249.37 feet to an Iron Pin Found; thence leaving said right-of-way line North 00 degrees 14 minutes 17 seconds West a distance of 150.13 feet to an Iron Pin Found; thence South 88 degrees 31 minutes 26 seconds East a distance of 34.93 feet to a point; thence South 88 degrees 31 minutes 26 seconds East a distance of 104.74 feet to a P/K Nail Found; thence North 26 degrees 15 minutes 54 seconds West a distance of 53.94 feet to a point; thence South 87 degrees 48 minutes 13 seconds East a distance of 135.05 feet to an Iron Pin Found and the TRUE POINT OF BEGINNING.

Said tract containing 0.826 acres (35,967 square feet).

[Note: This portion of Tract II is known as 365 and 381 Moreland and 1150 Faith Avenue in the City of Atlanta Street numbering system and is currently zoned NC-2. This parcel is not a part of this zoning application, but is a part of the overall development.]

LEGAL DESCRIPTION
TRACT III



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 12 of the 14
District of Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a Concrete Monument Found at the southeasterly end of the mitered intersection of the southerly right-of-way line of Interstate 20 (Variable R/W) and the westerly right-of-way line of Moreland Avenue (Variable R/W); thence along said right-of-way line of Moreland Avenue South 05 degrees 20 minutes 17 seconds East a distance of 171.06 feet to a Concrete Monument Found; thence South 15 degrees 34 minutes 01 seconds East a distance of 48.05 feet to an Iron Pin Found; thence South 00 degrees 14 minutes 33 seconds West a distance of 197.89 feet to an iron pin set at the intersection of said right-of-way line of Moreland Avenue with the northerly right-of-way line of Faith Avenue (40' R/W); thence along said right-of-way line of Faith Avenue North 88 degrees 07 minutes 18 seconds West a distance of 249.37 feet to an Iron Pin Found; thence leaving said right-of-way line North 00 degrees 14 minutes 17 seconds West a distance of 150.13 feet to an Iron Pin Found; thence South 88 degrees 31 minutes 26 seconds East a distance of 34.93 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence North 01 degrees 30 minutes 21 seconds East a distance of 78.12 feet to a point; thence South 51 degrees 47 minutes 42 seconds East a distance of 130.64 feet to a P/K Nail Found; thence North 88 degrees 31 minutes 26 seconds West a distance of 104.74 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.094 acres (4,091 square feet).